

Panaji, 6th October, 1983 (Asvina 14, 1905)

SERIES I No. 27

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department (Legal Advice)

Drafting Section

Notification

LD/1/9/83-(D)

The Central Industrial Security Force (Amendment) Act, 1983 (Act No. 14 of 1983) which has been assented to by the President of India on 26th May, 1983 (14 of 1983) and published in the Gazette of India, Extraordinary, Part II Section I dated 28-5-1983, is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 15th September, 1983.

The Central Industrial Security Force (Amendment) Act, 1983

AN

ACT

to amend the Central Industrial Security Force Act, 1968.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Central Industrial Security Force (Amendment) Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of long title.*—In the Central Industrial Security Force Act, 1968 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

“An Act to provide for the constitution and regulation of an armed force of the Union for the better protection and security of industrial under-

takings owned by the Central Government and certain other industrial undertakings and for matters connected therewith.”

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (a), the following clauses shall be substituted, namely:—

“(a) “Director-General” means the Director-General of the Force appointed under section 4;

(aa) “enrolled member of the Force” means any subordinate officer, under officer or any other member of the Force of a rank lower than that of an under officer;

(ab) “Force” means the Central Industrial Security Force constituted under section 3;

(ac) “Force custody” means the arrest or confinement of a member of the Force in accordance with rules made under this Act;”

(ii) clause (d) shall be omitted;

(iii) in clause (f), the words “, other than a supervisory officer” shall be omitted;

(iv) after clause (h), the following clause shall be inserted, namely:—

“(ha) “subordinate officer” means a person appointed to the Force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;”

(v) after clause (i), the following clause shall be inserted, namely:—

“(j) “under officer” means a person appointed to the Force as a Head Constable, Naik or Lance Naik.”

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.”

4. *Amendment of section 3.*—In section 3 of the principal Act,—

(a) in sub-section (1), for the words “a Force”, the words “an armed force of the Union” shall be substituted;

(b) in sub-section (2), for the words “supervisory officers and members”, the words “super-

visory officers, subordinate officers, under officers and other enrolled members" shall be substituted.

5. *Amendment of section 4.* — In section 4 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted, namely: —

"(1) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors-General, Deputy Inspectors-General, Commandants, Deputy Commandants or Assistant Commandants of the Force.";

(b) in sub-section (2), for the expression "Inspector-General", the expression "Director-General" shall be substituted.

6. *Amendment of section 5.* — In section 5 of the principal Act, for the words "appointment of members of the Force shall rest with the Inspector-General", the words "appointment of the enrolled members of the Force shall rest with the Director-General" shall be substituted.

7. *Amendment of section 6.* — In section 6 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted, namely: —

"(1) Every enrolled member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Director-General or such other supervisory officer as the Director-General may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of an enrolled member of the Force.";

(b) in sub-section (2), for the words "a member", the words "an enrolled member" shall be substituted.

8. *Amendment of section 7.* — In section 7 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted, namely: —

"(1) The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made thereunder, the command, supervision and administration of the Force shall vest in the Director-General.";

(b) in sub-section (2), —

(i) for the words "a Deputy Inspector-General, Chief Security Officer or Security Officer", the words "an Inspector-General, a Deputy Inspector-General, a Commandant, a Deputy Commandant or an Assistant Commandant" shall be substituted;

(ii) for the words "Central Government", the words "Central Government or the Director-General" shall be substituted.

9. *Amendment of section 11.* — In section 11 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted, namely: —

"(1) Any member of the Force may, without any order from a Magistrate and without a warrant, arrest —

(i) any person who voluntarily causes hurt to, or attempts voluntarily to cause hurt to, or wrongfully restrains or attempts wrongfully to restrain, or assaults, threatens to assault, or uses, or threatens or attempts to use, criminal force to him or any other member of the Force in the execution of his duty as such member, or with intent to prevent or to deter him from discharging his duty as such member, or in consequence of anything done or attempted to be done by him in the lawful discharge of his duty as such member; or

(ii) any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing, a cognizable offence which relates to property belonging to, or in the premises of, any industrial undertaking referred to in clauses (b) and (c) of section 10, or relates to the other installations, or to property in the premises of the other installations, referred to in those clauses;

(iii) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve imminent danger to the life of any person engaged in carrying on any work relating to any undertaking or installations referred to in clauses (b) and (c) of section 10.";

(b) in sub-section (2), the words "supervisory officer or" shall be omitted.

10. *Insertion of new section 15A.* — After section 15 of the principal Act, the following section shall be inserted, namely: —

"15A. *Restrictions respecting right to form association, etc.* (1) No member of the Force shall, without the previous sanction in writing of the Central Government or of the prescribed authority, —

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation. — If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of the Force shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed."

11. Amendment of section 18. — In section 18 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely: —

"(1) Without prejudice to the provisions contained in section 8, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a supervisory officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, may be taken into Force custody and shall, on conviction, be punished with imprisonment for a term which may extend to one year.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable and non-bailable. 2 of 1974.

(2A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Central Government may invest the Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the Force against the person or property of another member of the Force. 2 of 1974.

Provided that —

(i) when the offender is on leave or absent from duty; or

(ii) when the offence is not connected with the offender's duties as an enrolled member of the Force; or

(iii) when it is a petty offence even if connected with the offender's duties as an enrolled member of the Force; or

(iv) when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or try an offence,

the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal court having jurisdiction in the matter."

12. Amendment of section 22. — In section 22 of the principal Act, —

(a) in sub-section (2), —

(i) in clauses (a), (b) and (c), the words "supervisory officers and" shall be omitted;

(ii) after clause (g), the following clauses shall be inserted, namely: —

"(gg) regulating matters with respect to Force custody under this Act including the procedure to be followed for taking persons into such custody;

(ggg) regulating matters with respect to disposal of cases relating to offences under this Act and specifying the places in which persons convicted under this Act may be confined;"

(iii) in clause (h), the words "supervisory officers and" shall be omitted;

(iv) in clause (i), after the word "prescribed", the words "or in respect of which rules are required to be made under this Act" shall be inserted;

(b) in sub-section (3), for the words "or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid", shall be substituted.

13. Consequential amendments. — The amendments directed in the Schedule (being amendments of a consequential nature) shall be made in the principal Act.

14. Provisions as to existing Force. — (1) The force constituted under the principal Act as functioning immediately before the commencement of this Act (hereafter in this section referred to as the existing Force) shall, on such commencement, be deemed to be the force constituted under the principal Act as amended by this Act, and every member of the existing Force holding immediately before such commencement an office mentioned in column (1) of the Table below shall, on such commencement, be deemed to have been appointed to the office mentioned in the corresponding entry in column (2) of the said Table.

TABLE

(1)	(2)
1. Chief Security Officer	Commandant
2. Deputy Chief Security Officer	Deputy Commandant
3. Security Officer	Assistant Commandant
4. Head Security Guard	Head Constable
5. Senior Security Guard	Naik
6. Security Guard	Constable.

(2) Notwithstanding anything contained in sub-section (1), any member of the existing Force may,

within thirty days from the commencement of this Act, exercise his option by notice in writing to the Director-General —

(a) if such member had been on deputation to the existing Force from any other service, to revert to such other service, and

(b) in any other case, to retire from service,

and an option so exercised shall be final, and a member exercising such option shall be permitted, within thirty days from the date on which he exercises such option to revert to the service from which he had been on deputation or, as the case may be, to retire from service.

Explanation. — For the purposes of this section, the expression "member" includes an officer, and the expression "Director-General" shall have the same meaning as in the principal Act as amended by this Act.

THE SCHEDULE

(See section 13)

CONSEQUENTIAL AMENDMENTS

1. Section 8. — For "member", at both the places where it occurs, *substitute* "enrolled member".

2. Section 9. — In sub-section (1), for "member", *substitute* "enrolled member".

3. Section 10. — *Omit* "supervisory officer and".

4. Section 12. — (a) In sub-section (1), *omit* "any supervisory officer, or";

(b) in sub-section (2), for (Code of Criminal Procedure, 1898", *substi-* 5 of 1898.

tute "Code of Criminal Procedure, 1973". 2 of 1974.

5. Section 13. — *Omit* "supervisory officer or".

6. Section 14. — (a) For "Inspector-General", wherever it occurs, *substitute* "Director-General";

(b) in sub-section (1), —

(i) *omit* "supervisory officers and";

(ii) *omit* "officers and";

(c) in sub-section (2), *omit* "officers and", wherever they occur;

(d) in sub-section (3), *omit* "officer and".

7. Section 15. — (a) In sub-section (1), *omit* "supervisory officer and";

(b) in sub-section (2), *omit* "supervisory officer or".

8. Section 17. — (a) In sub-section (1), for "a member", *substitute* "an enrolled member";

(b) in sub-section (3), for "Inspector-General", *substitute* "Director General".

9. Section 19. — *Omit* "supervisory officers and".

10. Section 21. — *Omit* "supervisory officer or", wherever they occur.

11. The Schedule. — For "a member", at both the places where they occur, *substitute* "an enrolled member".